

REMARKS

Entry of foregoing, reconsideration and withdrawal of the restriction and election requirements and examination of all of the claims on the merits are respectfully requested in light of the following remarks:

Claims 1-11, 28-36 and 46-52 are now in this application. New Claims 48-52 depend from claims 1, 6, 7, 10 and 28, respectively, wherein the polypeptide has the sequence represented by SEQ ID NO: 6. SEQ ID NO: 6 is described and claimed in the application as originally filed, thus no new matter has been introduced.

In response to the restriction requirement, applicants hereby elect, with traverse, Group I, claims 1-11, 28-35 and 46-52, drawn to the isolated polypeptide, compositions comprising it and methods of using it.

The restriction requirement between Groups I and II is traversed because the groups of claims relate to a single inventive concept; Groups I and II are both endowed with properties to target SASPase for improving skin conditions and are related to the same polypeptide sequences. As further proof that the claims comply with PCT unity of invention rules, applicants submit a copy of the PCT search report issued during the international phase of this application; note that box 3, indicating an absence of unity of invention, is not checked. Therefore, when unity of invention was considered during the international phase, unity was found. The Examiner's position is thus contrary to PCT practice. For at least these reasons, reconsideration and withdrawal of the restriction requirement are believed to be in order and are earnestly solicited.

In response to the requirement for election of one specific polypeptide sequence from elected Group I, applicants hereby elect, with traverse, SEQ ID NO:

6. All of claims 1-11, 28-35 and 46-52 read on the elected Group I wherein the sequence is represented by SEQ ID NO: 6. New claims 48-52 read only on the elected SEQ ID NO: 6.

The Examiner has indicated that this is not a species election; presumably, then, it is another unity of invention objection. Therefore, applicants traverse this rejection for at least the same reasons set forth above in connection with the restriction requirement. Applicants again point to the International Search Report (ISR) which indicates that all of the claimed subject matter met PCT unity of invention requirements. The ISR also indicated that claims 14, 16-18 and 22 related to too much subject matter to be fully searched; however, the claims in question were cancelled in applicants' Preliminary Amendment. Thus, the claims now in the application relate only to subject matter fully searched in the ISR. Therefore, applicants see no valid reason for the Examiner to require restriction or election herein. For at least these reasons, the election of a single SEQ ID NO within the elected group is believed to be improper.

In light of the foregoing, applicants respectfully request that the Examiner withdraw the restriction and election requirements and examine all of the claimed subject matter on the merits.

Respectfully submitted,

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